

REMARKS

Claims 39-50 have been added by this Amendment. In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,606,644 to Ford et al. (Ford) in view of U.S. Patent No. 6,651,086 to Manber et al. (Manber). In particular, with respect to claims 1, 9, 17 and 26, the Office asserts that Ford teaches an information stream monitoring system comprising: an information monitoring device that monitors one or more electronic documents in an information stream, and compares information about the one or more electronic documents to at least one rule at col. 3, lines 60-65. However, the Office states that Ford fails to teach a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users. In this regard, the Office asserts that Manber teaches a system and method for matching participants to a conversation, including a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users at col. 4, lines 10-66. Thus, the Office asserts that it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users as taught by Manber in the claimed invention of Ford in order to dynamically create a conversation with other users.

In addition, the Office has rejected claims 35-38 under 35 U.S.C. § 103(a) as being unpatentable over Ford in view of Manber as applied to claims 1, 9, 17 and 26 above, and further in view of U.S. Patent Application No. 2002/0059164 to Shtivelman. (Shtivelman). In particular, the Office asserts that Shtivelman teaches whether a certain number of forum members exchanged messages on a particular topic within a predetermined time period at page 5, paragraph [0052], and that it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate whether a certain number of forum members exchanged messages on a particular topic within a predetermined time period as taught by Shtivelman in order to calculate new message load/responses parameters.

However, none of Ford, Manber, or Shtivelman, taken either alone or in combination, teaches, or renders obvious, a system including a "forum spawning device that queries a set of users when at least one of the at least one rules is satisfied, and creates a new forum based on one or more replies from the set of users" as recited in claim 1, a method including "querying a set of users when at least one of the at least one rules is satisfied; and creating a new forum automatically based on one or more replies from the set of users" as recited in claim 9, a media including "information that queries a set of users when at least one of the at least one rules is satisfied; and information that creates a new forum based on replies from the set of users" as recited by claim 17, and a system including "a forum spawning device for querying a set of users when the rule is satisfied, and for creating a forum based on a reply from the set of users" as recited by claim 26.

As the Office correctly states, Ford fails to teach or suggest a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users.

Furthermore, starting at Col. 4, line 19, Manber teaches that a user may identify or locate a story or topic of interest, for example, by browsing various web pages or conducting a topic or keyword search. As a user browses through various web pages, the user is presented with one or more selectable indicators on each page. Selection of an indicator provides the user with the ability to start or join a conversation. For example, as shown on page 200 of FIG. 3, by selecting a "start your own conversation" indicator 220 (which may be an icon, text link, etc), the user will be able to start and control a conversation. In an alternate embodiment, upon selection of an indicator, the user is presented with a page having the options to join or to start a conversation about the particular story or topic associated with the indicator that was selected. The user selects whether to join a conversation or whether to start a conversation. Thus, Manber teaches that a *user* must explicitly decide whether or not to create a new forum, send a message to define its topic, and decide who will participate, and does not teach or suggest to automatically query a set of users when at least one rule is satisfied and create a new forum based on one or more replies from the set of users.

Moreover, Shvitelman, at page 5, para. [0052], merely teaches to monitor a particular chat session on a periodic basis for current message-load data. There is no suggestion to query a set of users when at least one rule rules is satisfied and create a new forum based on one or more replies from the set of users.

As provided in the Specification on page 2, line 32, to page 3, lines 14, the present invention advantageously uses a combination of rules and tracking to monitor discussions within a forum, and then subsequently suggest and establish a new forum based on demand. Specifically, the claimed invention monitors one or more information streams until satisfaction of one or more rules is obtained. Upon satisfaction of one or more rules, a group of recipients are notified that a rule has been satisfied and requests authorization from the predetermined group of recipients to create a new forum. Upon an indication from one or more of the predetermined group of recipients that a new forum is desired, the systems and methods of the invention establish a new forum and optionally notify the participating users that the new forum has been established. Contrary to the teachings of the references, the users of the forum are not required to initiate the querying of users or the creation of a new forum. Thus, the present invention advantageously creates less load on the user.

Accordingly, in view of the foregoing remarks, the Office is respectfully requested to reconsider and withdraw the rejections of claims 1, 9, 17 and 26. Because claims 2-8, 27, 31, 35, and 39-41 depend from and contain the limitations of claim 1, claims 10-16, 28, 32, 36, and 42-44 depend from and contain the limitations of claim 9, claims 18-25, 29, 33, 37, and 45-47 depend from and contain the limitations of claim 17, and claims 30, 34, 38, and 48-50 depend from and contain the limitations of claim 26, they are patentable in the same manner as claims 1, 9, 17 and 26.

In view of all of the foregoing, Applicant submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,



Marc S. Kaufman

Registration No. 35,212

Date: May 9, 2005

NIXON PEABODY LLP

c/o Gunnar G. Leinberg, Reg. No. 35,584

Clinton Square, P.O. Box 31051

Rochester, New York 14603-1051

Telephone: (585) 263-1014

Facsimile: (585) 263-1600